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EXAMINER

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2622

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 29

Application Number: 08/953,477
Filing Date: October 17, 1997
Appellant(s): KARA ET AL.

R. Ross Viguet
For Appellant

SECOND SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/16/01. Pursuant to the Remand under 37 CFR 1.193(b)(1) by the Board of Patent Appeals and Interferences on 12/18/02, a second supplemental Examiner's Answer is set forth below, wherein the examiner clarifies the correct version of claim 65, which was revised in the amendment dated 11/20/00, and which now includes a clean copy of correct claim of record, located under paragraph 8, titled Claims Appealed. For completeness, the remainder of the Examiner's Answer dated November 5, 2001 is repeated hereinbelow in its entirety.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

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(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 57-67, 70, 71, 73, 74, and 90, claim 68, claim 69, and claim 72, do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

A substantially correct copy of appealed claim 65 appears on page 21 of the Appendix to the appellant's brief. The minor errors are as follows: in line 4 of the claim, brackets are included to designate deleted material. The examiner notes that the claim was revised in the amendment dated 11/20/00, thereby making the claim of record include the term "intermediate means", contrary to what the examiner stated in the supplemental Examiner's Answer dated 8/13/02. Therefore, the correct claim of record should read as follows:

65. The system of claim 57, further comprising:

means for including ancillary information with said transmitted information, said ancillary information being suitable for use by said intermediate station in delivery of said transmitted information to said selected location.

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(9) Prior Art of Record

5,826,034	Albal	10-1998
5,508,817	Kunigami	4-1996
5,903,877	Berkowitz et al.	5-1999
5,805,810	Maxwell	9-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 57 through 66, 70 through 74, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal in view of Kunigami, and further in view of Berkowitz *et al.*

Claims 67 through 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal in view of Kunigami, further in view of Berkowitz *et al.*, and further in view of Maxwell. These rejections are set forth in the prior Office Action, Paper No. 17, and for completeness, are duplicated as follows:

Regarding **claim 57**, Albal discloses a system for delivering information to a selected location (workstations 36 and 46, and fax 44, shown in Fig. 1, and workstation 36, shown in Figs. 5 through 9) from a transmitting location (workstation 30, shown in Fig. 1, and Figs. 5 through 9), wherein the system comprises a transmission station operable at the transmitting location and adapted to transmit the information (column 3, lines 24 through 33) to an intermediate location (payload delivery system 62, being located in various locations, column 6, lines 33 through 48), and an intermediate station operable at the intermediate location (column 6, lines 49 through 60) and adapted to receive the information transmitted (column 6, line 49

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through column 7, line 18) by the transmitting means (column 3, lines 31 through 65). Further, the intermediate station comprises a converter circuit (media/protocol converter 88) adapted to electronically receive the transmitted information and to convert the transmission to electronic form (column 7, lines 47 through 59), and a reproducing circuit adapted to reproduce the information in human readable form, wherein the reproducing circuit also produces an indicia authorizing delivery of the human readable information to the selected location (column 9, lines 38 through 64, wherein the seal is produced which authorizes delivery).

However, Albal fails to teach of the reproducing circuit producing an indicia of payment authorizing delivery of the human readable information to the selected location. Kunigami discloses a system which delivers information to a selected location (receiver 3, seen in Figs. 1 and 2) from a transmitting location (sender 1, seen in Figs. 1 and 2), wherein an intermediate station (electronic mail center 2, seen in Figs. 1 and 2) comprises a reproducing circuit which produces an indicia of payment authorizing delivery of the human readable information to the selected location (see Fig. 4A, "Fee Payer Identifier" being an "O" or a "D", column 3, line 57 through column 4, line 25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Kunigami's teachings in Albal's system, thereby having the reproducing circuit producing an indicia of payment (Fee Payer Identifier) authorizing delivery of the human readable information to the selected location. Albal's system would become more efficient and more automated if modified to incorporate Kunigami's teachings, as the sender or receiver would be responsible for payment, wherein the intermediate station informs the receiver if the payment is performed by the sender.

Continuing, Albal fails to teach of the converter circuit (media/protocol converter 88) being adapted to electronically receive the transmitted information and to convert the transmission to electronic form if the transmitted information is not initially in electronic form. Berkowitz discloses a system which transmits information through a plurality of devices (column 3, lines 52 through 59) to an intermediate device (transaction request server 20), wherein a converter circuit is adapted to electronically receive the transmitted information and to convert the transmission to electronic form if the transmitted information is not initially in electronic form (column 3, line 67 through column 4, line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Berkowitz's teachings in Albal and Kunigami's system. Albal's system would become more versatile with the addition of Berkowitz's converter circuit, as more users would be able to send information electronically, wherein the users do not have electronic mail capabilities or facsimile machines.

Regarding **claim 58**, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of the intermediate location being selected according to proximity to the selected location (column 3, lines 31 through 49, and column 6, lines 33 through 60).

Regarding **claim 59**, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 58, and Albal further teaches of the intermediate location selection is accomplished automatically by the transmitting location through reference to address information with respect to the selected location (column 3, lines 31 through 49, wherein if the sender workstation contains the first payload delivery system, seen in column 6, lines 49 through

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60, then the second payload delivery system is selected through reference to the destination address).

Regarding *claim 60*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of the intermediate location is selected according to proximity to the transmitting location (column 3, lines 31 through 49, and column 6, lines 33 through 60).

Regarding *claim 61*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of the converter circuit comprises circuitry adapted to accept electronic documents communicated utilizing different communication protocols (column 7, lines 47 through 59).

Regarding *claim 62*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 61, and Albal further teaches of the different communication protocols include at least two protocols selected from the group consisting of a standardized electronic mail communication protocol (column 8, lines 34 through 37), a special purpose mail communication protocol, a standardized facsimile protocol (column 7, lines 34 through 37), a standardized character based protocol, and a standardized packet based protocol.

Regarding *claim 63*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of the converter circuit comprising circuitry adapted to determine delivery address information with respect to the selected location from information contained within the transmitted information (column 7, lines 47 through 59, and column 8, lines 28 through 52).

Regarding *claim 64*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 63, and Albal further teaches of the converter circuit comprising circuitry adapted to verify the accuracy of the delivery address information (column 3, lines 31 through 37).

Regarding *claim 65*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of a means for including ancillary information with the transmitted information, wherein the ancillary information being suitable for use by the receiving means in delivery of the transmitted information to the selected location (column 8, lines 28 through 52, and column 9, lines 38 through 47).

Regarding *claim 66*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 65, and Albal further teaches of the ancillary information comprising means for funding delivery of the transmitted information (column 8, line 66 through column 9, line 3).

Regarding *claim 67*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 66, and Albal further teaches of the intermediate station further comprising an acknowledgment circuit adapted to produce an acknowledgment of receipt of the transmitted information (output manager 84, column 8, lines 24 through 26, and see Figs. 5 through 9, near-end acknowledgment 120, wherein the acknowledgment 120 is produced by a circuit in the near-end server 28). However, Albal fails to teach of the acknowledgment circuitry being adapted to transmit the acknowledgment to the transmitting location, wherein the last mentioned portion of the acknowledgment circuit is inactive until the funding means is confirmed. Maxwell discloses a system wherein a way location (netgram workstation 16) converts email messages sent from a first location into postal documents to be sent to a second location (see abstract). Further, Maxwell teaches of transmitting an acknowledgment (exception message or accept message) to

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the transmitting location, wherein the last mentioned portion of the acknowledgment circuit is inactive until the funding means is confirmed. (column 9, line 27 through column 10, lines 42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Maxwell's teachings in Albal, Kunigami, and Berkowitz's system, thereby including the acknowledgment circuitry being adapted to transmit the acknowledgment to the transmitting location, wherein the last mentioned portion of the acknowledgment circuit is inactive until the funding means is confirmed. Albal's system would become more user friendly with the addition of Maxwell's teachings, as the user of the transmitting station would be informed when the transmission process is complete.

Regarding *claim 68*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 66, but fail to teach if the funding means includes at least a value data packet. Maxwell discloses a system wherein a way location (netgram workstation 16) converts email messages sent from a first location into postal documents to be sent to a second location (see abstract). Further, Maxwell teaches of a funding means that includes at least a value data packet (column 9, lines 19 through 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Maxwell's teachings in Albal, Kunigami, and Berkowitz's system. Albal's system would become more efficient with the addition of Maxwell's teachings, as value data would be transmitted to the funding means via a value packet, therein maintaining the transmission operation because the required postage is received.

Regarding *claim 69*, Albal, Kunigami, Berkowitz, and Maxwell disclose the system discussed above in claim 68, and Kunigami discloses a system wherein a value is deducted from

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a credit stored at the transmitting location (column 7, line 40 through column 8, line 11, and Fig. 11C, wherein Fig. 11C shows a generated report which is sent to the sender 1, showing that the transmission fee is subtracted. Because the generated bill is issued to the sender, it would be obvious to a person of ordinary skill in the art that the value of the bill is deducted from a credit stored at the transmitting location, such as a checking account, credit card, credit register, postage meter, etc., all of which are well known in the art). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Kunigami's further teachings in the combination system of Albal, Kunigami, Berkowitz, and Maxwell. Albal's system would become more efficient and more automated if modified to incorporate Kunigami's teachings, as the sender or receiver would be responsible for payment, wherein the intermediate station informs the receiver if the payment is performed by the sender.

Regarding *claim 70*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 65, and Albal further teaches of the ancillary information includes a delivery address of the selected location (see Fig. 4, column 8, lines 34 through 52).

Regarding *claim 71*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 70, and Albal further teaches of the converter circuit comprises a means for verifying the accuracy of the delivery address information (column 3, lines 31 through 37).

Regarding *claim 72*, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 65, and Albal further teaches of the ancillary information includes a time of transmission of the document by the transmitting means (column 9, lines 1 through 3), wherein the time being provided by a secure time piece disposed at the transmitting location (wherein a secured time piece would inherently be used by a workstation).

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Regarding **claim 73**, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 65, and Albal further teaches of the ancillary information includes specific delivery information regarding the delivery of the human readable information, indicating selection of at least one delivery option of a plurality of delivery options available for delivery of the transmitted information (see Fig. 4).

Regarding **claim 74**, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of the reproducing circuit is operable at least in part with corresponding circuitry disposed at the selected location (column 6, line 33 through column 7, line 59).

Regarding **claim 90**, Albal, Kunigami, and Berkowitz disclose the system discussed above in claim 57, and Albal further teaches of the intermediate station further comprising an acknowledgment circuit adapted to produce an acknowledgment of receipt of the transmitted information (output manager 84, column 8, lines 24 through 26, and see Figs. 5 through 9, near-end acknowledgment 120, wherein the acknowledgment 120 is produced by a circuit in the near-end server 28).

(11) Response to Argument

GROUP I

In response to applicant's argument regarding the rejection of **claim 57**, as being unpatentable over Albal in view of Kunigami, and further in view of Berkowitz, stating on page 6, that Kunigami fails to teach of an intermediate location comprising a reproducing circuit adapted to reproduce either information or an indicia of payment in human readable form. First,

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the examiner stresses that the indicia of payment is not required to be in human readable form. Currently, claim 57 includes the limitation “said intermediate station comprises ... a reproducing circuit adapted to reproduce said information in human readable form, wherein said reproducing circuit also produces an indicia of payment authorizing delivery of said human readable information to the selected location.” As read therein, the claim requires a circuit for reproducing information in human readable form and also *producing an indicia of payment* that authorizes delivery of the human readable information to the selected location. Kunigami produces an indicia of payment, as read in column 4, lines 14 through 25, being the Fee Payer Identifier designating which ID number is to be billed. Continuing, Kunigami teaches of delivering information to a selected location. As read in column 3, line 39 through column 4, line 10, and in Fig. 2, Kunigami shows of delivering information (inquiry information, read in column 3, line 63), being sent from a transmitting location (sender terminal 1a), which is displayed in human readable form on a display of a selected computer terminal 3a. With this, it can be seen that Kunigami does teach of reproducing information in human readable form and also producing an indicia of payment that authorizes delivery of the human readable information to the selected location, as required by the claim.

Further, applicant argues on page 7, that Kunigami fails to teach of “providing an indicia ... to the selected location”. As the claim is currently written, one of ordinary skill in the art can interpret the claim language as requiring a process of providing an indicia of payment *for* authorizing a delivery to a selected location. The produced indicia is not provided to the selected location, but rather the indicia is produced which indicates authorization of delivery to a selected location. Moreover, Kunigami does provide the indicia of payment (being the fee payer

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identifier, as well as the sender ID) to the selected location, as seen in Fig. 4a, and read in column 4, lines 2 through 10. With this, it can be seen that Kunigami does teach of producing an indicia of payment authorizing delivery of the human readable information to the selected location, as required by the claim.

Continuing, applicant argues on page 7 that Kunigami fails to teach of the delivery of an electronic mail being displayed on a monitor, or that there is no hint or suggestion of the display of an electronic mail on a monitor. The examiner agrees with applicant in that Kunigami does not specifically teach of displaying the entire electronic mail message after it is selected and transmitted to the receiver terminal 3a in column 4, lines 43 through 67. However, it would be inherent in the system of Kunigami to display the e-mail on the display of terminal 3a, similar to that of the notifying message shown in Fig. 4a. Further, Kunigami teaches of the mail accept command in column 4, lines 43 through 52, being denoted by "READ 1, 2", leading one of ordinary skill in the art to believe that the delivered message is in *human readable form*, as required by the claim. Moreover, the current claim does not, and would not, require the full electronic mail to be displayed on a monitor, but rather "information" which is delivered to a selected location from a transmitting location, as stated in the preamble, and throughout the claim. As read in column 4, lines 2 through 10, and seen in Fig. 4a, Kunigami teaches of displaying information (being the inquiry information, read in column 3, line 63) in human readable form on terminal 3a, wherein the information is delivered to a selected location (terminal 3a) from a transmitting location (sender terminal 1a), as read in column 3, line 39 through column 4, line 2.

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The applicant further argues on pages 8 and 9, that Kunigami fails to teach of an indicia of payment authorizing delivery of the human readable information, whereby the fee payer identifier may provide information with respect to who ultimately will pay for electronic mail for which the receiver authorizes delivery, but it cannot be said that the fee payer identifier authorizes delivery of the electronic mail. The examiner agrees with applicant in that Kunigami does not specifically state that the fee payer identifier and sender ID actually **authorize** the transmission. However, the examiner believes that by the sender indicating that he, himself, will pay for the delivery of the message, and he gives his account or sender ID number, he is in fact authorizing the delivery of the message. By informing an intermediate service that you will pay for a transmission of information on an account registered to a specific ID number, you are authorizing delivery. This concept is well known in the art, and is further seen in the previously cited prior art of Kaufeld *et al.* (U.S. Patent Number 5,859,967, cited in the Office action dated 3/19/99), wherein an electronic stamp is used to indicate that the message sender is paying for the delivery of a message using an account number registered to the sender, so as to authorize delivery of the message to a selected location (read in column 4, line 58 through column 5, line 57). Moreover, a further example of this concept is if you were to give your personal credit card number to a specific service, you are in fact, authorizing that system to charge your account. If the above transaction was not authorized by you, you would not inform the service of your account number. Because of these reasons, it can be interpreted that Kunigami teaches of an indicia of payment authorizing delivery of the human readable information.

In response to applicant's arguments on pages 9 and 10, stating that the language relied upon as motivation for making the proffered combination of Albal and Kunigami is merely a

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statement that the reference can be modified, and does not state any desirability for making the modification. The examiner maintains the position that Albal's system would become more efficient if modified to incorporate Kunigami's teachings. As recognized by Kunigami, the receiver would be able to reject reception of a message if the receiver is unwilling to pay for the message that a sender designates to be paid by the destination, thereby eliminating any junk mail or unwanted mail from an unknown originator. This would make Albal's system more efficient, as the message recipient would eliminate unwanted mail from being transmitted. Therefore, this shows the motivation for combining the teachings of Kunigami with the system of Albal.

Further, in response to applicant's arguments regarding the motivation to combine Albal's system with the teachings of Berkowitz, stating on pages 10 and 11, that the proffered versatility is nothing more than multiple protocols set forth in Berkowitz allowing an electronic mail center to accept mail and convert it to an electronic format using a scanner. The examiner maintains the position that Albal's system would become more versatile with the addition of Berkowitz's converter circuit. As recognized by Berkowitz, a message sender can transmit information using regular mail to an intermediate device, where the mail is converted into electronic form using a scanner, thereby allowing customers without e-mail or facsimile capabilities to still utilize the services of the server 20. This would make Albal's system more versatile since users without e-mail or facsimile capabilities would be able to send messages via postal mail, which would then be converted into an electronic form at a server, where they would be forwarded to a specified destination. With this, more users would be able to use the system, therein showing the motivation for combining the teachings of Berkowitz with the system of Albal.

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Therefore, the rejection of *claim 57*, as well as dependent *claims 58 through 67, 70, 71, 73, 74, and 90*, under 35 U.S.C. 103(a), as being unpatentable over Albal in view of Kunigami, and further in view of Berkowitz, is maintained.

GROUP II

In response to applicant's argument regarding the rejection of dependent **claim 68**, as being unpatentable over Albal in view of Kunigami, in further view of Berkowitz, and further in view of Maxwell, stating on page 12, that Maxwell cannot teach the transmission of ancillary information including a value data packet for funding the delivery of the information which is transmitted from the transmission location. Albal teaches of a means for including ancillary information (being the delivery parameters) with the transmitted information, whereby as read in column 9, lines 38 through 41, the user initially creates a message that includes filling out a payload entry 102, having the delivery parameters, wherein the ancillary information being suitable for use by the receiving means in delivery of the transmitted information to the selected location, as read in column 8, lines 28 through 52, and column 9, lines 38 through 47. Further, Albal teaches of the ancillary information comprising means for funding delivery of the transmitted information, being the tariff to be used, as read in column 9, lines 1 through 3. However, Albal does not teach that the "tariff" information is included in a value data packet, as required in claim 68.

Maxwell teaches of a means for including ancillary information (credit card information) with the transmitted information, as read in column 9, lines 31 through 47, wherein the ancillary information is suitable for use by the intermediate station in delivery of the transmitted

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information to the selected location. Further, Maxwell teaches of the ancillary information comprising means for funding delivery of the transmitted information, being the credit card information, as read in column 9, lines 37 through 47. Continuing, Maxwell teaches of the funding means including a value data packet, as the credit card information is transmitted in an e-mail over the Internet, as read in column 9, lines 31 through 47, whereby e-mail data transmitted over the Internet is transmitted as data packets, as read in column 4, lines 43 through 58. The term "value data packet" is not clearly defined in the claim, and is being interpreted as a data packet having value data included in it. Because of this, it can be interpreted that Maxwell teaches of a value data packet, as packet data is transmitted having credit card information in it. Because of these reasons, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Maxwell's teachings of transmitting credit card information through the Internet as data packets, as the tariff information taught by Albal.

Therefore, the rejection of dependent *claim 68*, under 35 U.S.C. 103(a), as being unpatentable over Albal in view of Kunigami, further in view of Berkowitz, and further in view of Maxwell, is maintained.

GROUP III

In response to applicant's argument regarding the rejection of dependent *claim 69*, as being unpatentable over Albal in view of Kunigami, in further view of Berkowitz, and further in view of Maxwell, stating on pages 13 through 15, that combination of references do not teach of a transmission of a value data packet from a transmitting location. As discussed above in claim

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68, Maxwell teaches of transmitting a value data packet by transmitting credit card information from a sender in an e-mail over the Internet.

Further applicant argues on page 15 that the proffered combination does not meet the recited aspect of deducting such a value from a credit store stored at transmitting location. The examiner relies on the combination of references, with an emphasis on Kunigami, as teaching this aspect, which will be discussed further below. The applicant further argues on page 15, that Kunigami teaches the preparation of billing information after transmission of the electronic mail based upon the transmission times of the various legs of electronic mail transmission, and not deducting a value from a credit stored at the transmitting location communicated as a value data packet included ancillary to the transmitted information. The examiner notes that this is not specifically stated in the claim, as claim 69 currently reads "wherein said value is deducted from a credit stored at said transmitting location." The term "said value" is referring to the value that was sent in the value data packet. Using the discussion above with respect to claim 68, Maxwell teaches of the value of the value data packet as being credit card information. Further, Maxwell teaches in Fig. 13, and read in column 13, lines 19 through 31, that the number of credits stored within the sender database 1300 is decremented each time the message is transmitted to the print queue. However, Maxwell does not specifically teach if the database is stored at the transmitting location.

Kunigami teaches in Fig. 11C of the bill transmitted to the sender with the amount being "minus ten yen", and stating in column 7, lines 53 through 60, of subtracting the fee for the communication", therein subtracting at the transmitting location. Since there is no specific time the value, which was transmitted in the value data packet, is deducted from a credit stored at the

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transmitting location, Kunigami effectively shows the limitation in the claim. Moreover, although Kunigami fails to specifically recite of deducting a value from a credit stored at the transmitting location, this aspect is obvious to one of ordinary skill in the art, given the above cited prior art. As an example, if I were to receive a bill for a service, or for a credit card, similar to what Maxwell is teaching, I would pay by writing a check, and entering the value in the check register. The value of the check, which is subsequently equal to the value that was transmitted in the value data packet, is deducted from a credit in the check register, being stored at my home location, thereby revealing the amount of money that I have remaining in my account. Because of this, using the structure of Kunigami in the above combination of references, one of ordinary skill in the art can interpret Kunigami as deducting a value from a credit stored at the transmitting location, by sending a bill to the transmitting location denoted as “minus ten yen”, as no teaching of the phrase “credit stored” is provided.

Therefore, the rejection of dependent **claim 69**, under 35 U.S.C. 103(a), as being unpatentable over Albal in view of Kunigami, further in view of Berkowitz, and further in view of Maxwell, is maintained.

GROUP IV

In response to applicant's argument regarding the rejection of dependent **claim 72**, as being unpatentable over Albal in view of Kunigami, and in further view of Berkowitz, stating on pages 15 and 16, that Albal fails to teach of the requirement that the time of transmission is transmitted with the document from the transmitting location. Albal shows on page 9, lines 1

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through 7, that the delivery parameters can include the **time** for delayed delivery, whereby the delivery parameters are entered by the sender of the information.

In response to applicant's arguments on page 16, that Albal does not teach the use of a secure time piece. The examiner notes that various usages of a secure time piece are provided in the current application. On page 7, line 25 through column 8, line 6, a secure **real time** clock is provided for securely stamping a date and time, so as to provide an official time accepted by a delivery agent, for use in litigation. This **secure real time clock** is far different than a secure time piece to provide a time of transmission, as currently claimed. On page 21, lines 2 through 11 of the current application, reference is made to the secure accounting unit, for time stamping a document. On page 21, lines 19 through 28, the term "secure" is being used to define components on the premises of a recipient being secure from tampering or unauthorized access. Accordingly, the definition of secure can be interpreted, as used in this case for a "secure time piece", as being a time piece disposed at the transmitting location, so as to be free from tampering or unauthorized access. A workstation, as taught by Albal, would inherently have a time piece disposed therein being secure, so as to be free from tampering. Because of this the rejection is deemed to be proper.

Therefore, the rejection of dependent **claim 72**, under 35 U.S.C. 103(a), as being unpatentable over Albal in view of Kunigami, and further in view of Berkowitz, is maintained.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

J. R. P.

Joseph R. Pokrzywa

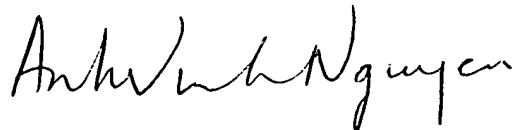
Examiner

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February 25, 2003

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